

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION (TOLEDO)

TINA BURRIS,)	CASE NO. 3:20-cv-01450
)	
Plaintiff,)	JUDGE JAMES R. KNEPP II
)	
v.)	
)	
ETHICON, INC., et al.,)	<u>DEFENDANTS' NOTICE OF</u>
)	<u>AMENDMENT TO TRIAL BRIEF</u>
Defendants.)	
)	

Defendants Ethicon, Inc. and Johnson & Johnson (“Ethicon”) submit this notice to alert the Court to an amendment to Ethicon’s position set forth in Defendants’ Trial Brief (Doc. 200). In subsection (B)(2) of the Trial Brief, Ethicon referenced Ohio’s exception to punitive damages for products that have been approved of or licensed by the FDA, R.C. 2307.80(C)(1). *See* Doc. 200 at 12-13. The parties have, however, stipulated to the exclusion of FDA evidence from trial, including evidence of the Prolift product’s § 510(k) clearance. Consequently, Ethicon does not anticipate raising the R.C. 2307.80(C)(1) exception at this time. Ethicon reserves the right to reassert this statutory exception at the directed verdict stage if for some reason evidence currently excluded under the stipulation is admitted at trial.

Respectfully submitted,

/s/ Michael J. Ruttinger

Tariq M. Naeem (0072808)
Jennifer L. Steinmetz (0088589)
Michael J. Ruttinger (0083850)
Erica M. James (0086799)
Brenda A. Sweet (0085909)
C. Ashley Saferight (0098990)
TUCKER ELLIS LLP
950 Main Avenue—Suite 1100
Cleveland, OH 44113-7213
Telephone: 216.592.5000
Facsimile: 216.592.5009
Email: tariq.naeem@tuckerellis.com
jennifer.steinmetz@tuckerellis.com
michael.ruttinger@tuckerellis.com
erica.james@tuckerellis.com
brenda.sweet@tuckerellis.com
ashley.saferight@tuckerellis.com

Sherry Knutson (*pro hac vice*)
TUCKER ELLIS LLP
233 South Wacker Drive, Suite 6950
Chicago, Illinois 6060-9997
Telephone: 312.624.6322
Facsimile: 312.624.6309
Email: sherry.knutson@tuckerellis.com

*Attorneys for Defendants Ethicon, Inc.
and Johnson & Johnson*

CERTIFICATE OF SERVICE

I hereby certify that on July 1, 2022, a copy of the foregoing was filed electronically.

Service of this filing will be made by operation of the Court's electronic filing system.

/s/ Michael J. Ruttinger

Michael J. Ruttinger (0083850)

*One of the Attorneys for Defendants
Ethicon, Inc. and Johnson & Johnson*